

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

RUSSELL SLATER,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-20468

LIEUTENANT BINION, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Defendants' Motion to Dismiss for Failure to Prosecute. (ECF No. 18.) On July 7, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R on October 4, 2017, recommending that this Court grant the motion and dismiss without prejudice Plaintiff's Complaint. (ECF No. 20.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

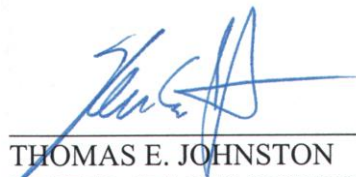
Objections to the PF&R in this case were due on October 23, 2017. To date, no objections have been filed. The Court therefore **ADOPTS** the PF&R, (ECF No. 20), **GRANTS** Defendants'

Motion to Dismiss for Failure to Prosecute, (ECF No. 18), and **DISMISSES WITHOUT PREJUDICE** Plaintiff's Complaint, (ECF No. 2), for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Court further **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: November 2, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE